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SO-CALLED FAIR HOUSING LEGISLATION

The Rhode Island Story

BY ROBERT B. DRESSER

Foreword

This is one of the most important Council Letters we have ever published.

A "liberal" combine has set out to take away the property rights of every American by dictating to the owner to whom he may rent or sell his property. It is being attempted through the soft-sounding title of a "Fair Housing Bill," violation of which is a crime punishable by fine or imprisonment.

The American people have only to be alerted in order to stop this tyrannical scheme in its tracks.

Four States fell for this Bill this year—Colorado, Connecticut, Massachusetts and Oregon.

The Bill was introduced in the Rhode Island Legislature and was backed by a large committee of prominent citizens. But one man, Robert B. Dresser of Providence, a nationally known lawyer and patriot and a director of the National Economic Council, realized the dangers involved and

aroused the people of the State. As a result the Bill never even got out of committee.

This measure is a threat to personal liberty in every State of the Union. On July 13, Governor Rockefeller of New York, addressing the National Association for the Advancement of Colored People, promised that, at the 1960 Legislative Session, he would recommend and push a "Fair Housing Bill."

If we want to retain our liberty, someone in every State must take the leadership against this measure, as Mr. Dresser did in Rhode Island. And it isn't too soon to start now.

Further information regarding the Rhode Island experience, including reprints of certain of the advertisements and other papers used, may be obtained by writing Robert B. Dresser, 15 Westminster Street, Providence, R. I.

NATIONAL ECONOMIC COUNCIL, INC.

EARLY last January leaders of both political Parties in the Rhode Island Legislature introduced in both branches a so-called "Fair Housing Bill" prohibiting discrimination because of race, color, religion or national origin in the sale or rental of housing accommodations or land, or in making loans with respect to such property.

Under the Bill an owner is forbidden (1) to make any written or oral inquiry concerning the race, color, religion or national origin of a prospective purchaser or tenant, (2) to refuse to sell or rent his property for any such reason, or (3) to discriminate against an individual on any such ground in the terms of sale or lease. There are similar provisions regarding loans. Enforcement of the Act is placed in the hands of the Commission against Discrimination, which is empowered

to act on its own initiative or on complaint of an aggrieved individual or an organization chartered for the purpose of combatting discrimination or racism, or of safeguarding civil liberties. Failure to obey a decree of the Court entered to enforce an order of the Commission is punishable by "fine or imprisonment, or both."

In short, the Bill deprives a property owner of the right to enjoy the benefits of property ownership, and the right to choose for himself the persons with whom he associates in connection with his own property—both of them basic rights in any free society.

The Bill was sponsored and promoted by an organization called "Citizens United for a Fair Housing Law in Rhode Island," of which Irving Jay Fain is the Chairman. Members of the organi-

zation include the leaders of both political Parties, prominent bankers, educators, and many of the clergy of all faiths.

A substantial number of the members have since resigned.

The Bill has had the vigorous support of Rhode Island's leading newspaper, the *Providence Journal*, which has by far the largest circulation of any paper in the State.

During the legislative Session editorials supporting the Bill were published by the *Providence Journal*, as well as a considerable number of news articles declaring the need of better housing facilities for Negroes and calling for an end of discrimination in the sale or renting of houses because of race, color, religion or national origin and for the passage of the so-called "Fair Housing Bill."

Also, numerous letters were written to the Editor of the *Providence Journal* and *Evening Bulletin* regarding the Bill. A majority of them supported the Bill, doubtless because the proponents were well organized and had the support of many of the clergy of all faiths.

THE movement is nationwide. A bill of this character has been introduced in some 13 or more States. It indicates a trend toward the ultimate abolition of the right of private property, which is the aim of Socialism.

While it has been made to appear by the proponents of the measure that the controversy is purely a Negro question, this is not the fact. The Bill applies to all races, and they are forbidden to discriminate against one another under penalty of fine or imprisonment.

The opponents of the measure take the position that if any race wishes to live together in a house or community, whether they are English, Irish, Italian, Jewish, Yankee, Negro, or any other race, they should be permitted to do so. They likewise hold that if individuals prefer living in mixed racial households or communities they should be allowed to do so. The rule, they say, should work both ways. It is government compulsion to which they object.

The opponents of the measure say that if a person is to be deprived by government order of the right to choose his own associates and to have full enjoyment of his own property it is entirely logical to expect that he may eventually be deprived of freedom of speech and other rights which he now enjoys on the plea that the exercise of these rights is against the public interest. They ask, "Where is the line to be drawn?"

In their view the issue is much broader than that of housing. It is whether the American people

shall have liberty or eventual serfdom imposed by government dictatorship.

The first opposition to the Bill appeared in a letter written by me to the Editor of the *Providence Journal*, which was published on January 11, 1959, from which the following is quoted:

"This, I submit, is an outrageous and unconstitutional interference with the right of private property and personal freedom. These rights, guaranteed by the Constitution of the United States, constitute the basic difference between a free society and a Socialistic or Communistic society in which the government dictates and the people obey."

"If a law of this sort can be passed, it is but a short step to extend it to owners who rent rooms or take in boarders. Or does the bill apply to those who rent rooms? (This paragraph was stricken from the letter as published by the *Journal*.)

"Is there no longer any respect for the Constitution or for the concept of private property and personal freedom?"

"Have we at last reached a stage in our country's history when a person is no longer allowed to choose his own associates,—no longer master of his own house and undisputed owner of his own property?"

"If so, a major step has been taken toward the destruction of the great American experiment in individual liberty."

"The issue is not whether any racial or religious group is superior or inferior to another. The issue is whether a person, regardless of his race or religion, is to be free to exercise certain fundamental rights guaranteed by the Constitution. On this there should be no difference of opinion."

THIS was followed by a series of articles which I had published as advertisements in the *Providence Journal* and *Evening Bulletin*, from certain of which I quote as follows:

1. Advertisement dated January 26, 1959, and published February 3 and 8.

"The so-called 'Fair Housing Bill' is based upon the premise that there are many people in Rhode Island who are living under depressed or sub-standard housing conditions, and that this situation can and should be cured by prohibiting discrimination because of race, color, religion or national origin in the sale or rental of housing accommodations or land, or the taking of mortgages on such property."

"The only offense committed by the unfortunate owner is the exercise of what has heretofore been regarded as inviolable personal rights, namely (1) the right to choose one's own associates and (2) the right to enjoy the benefits of property ownership."

"If these are not rights protected by the Constitution of the United States, I am certain that it is a very different Constitution from what its authors intended and students of the Constitution have for generations supposed. It is not surprising that in the words of the *Providence Journal*, 'No other State in the Union has such a law.'"

"And let there be no mistake, if this breach in the wall of Constitutional protection is permitted, it will

be only a beginning. It would be but a short step to extend the law to owners who rent rooms in their own homes or take in boarders. The history of legislation of this character is that it seldom ends with the original act. This is but a beginning."

"The restrictions upon the use of private property cited by the proponents of the Bill, such as zoning legislation and the forbidding of nuisances, are obviously of a very different character."

"Who would have thought that in this land of much-vaunted freedom serious consideration would ever be given to a proposal to deprive a person of the right to sell or rent his house, or an apartment in his house, to a respectable, law-abiding citizen of his own choice, and to put him in jail if he did so? And yet this is precisely what this Bill does."

"I wonder if all those who have endorsed the Bill have fully understood its provisions and its possible consequences. Have they by any chance felt that they were not in a position, or not likely to be in a position, where the law would affect them?"

2. Advertisement dated February 23, 1959, and published February 25 and 26.

"Efforts are still being made to confuse the real issue involved in the controversy over the so-called 'Fair Housing Bill.'"

"In an editorial published in the *Providence Sunday Journal* for February 22nd under the heading 'Lippitt Hill Challenges Opponents of the Housing Bill,' it is stated that 'Finding housing for 450 Negro families displaced by the Lippitt Hill redevelopment project will not be an easy job.'"

"After observing that it is unlikely that the Fair Housing Bill will be passed in time to meet the emergency, the editorial continues: 'This fact provides an excellent opportunity for opponents of the Bill to prove by their own action their thesis that the Negro housing problem can be licked without a law.'"

"WHAT AN AMAZING STATEMENT!"

"The great mass of opponents of the Bill are people of modest means—the owners and occupants of small homes, many of them two and three family houses. A goodly portion of these people have invested their life savings in these houses, and are dependent upon the rents for their support. These are the people who the *Journal* says must provide the housing for the displaced Negroes, and not the supporters of the Bill whose names appear in the literature of the 'Citizens United for a Fair Housing Law' as the members or supporters of that organization. These include some of our leading citizens—persons of substantial means with large single homes, who no doubt feel certain that the Bill will not affect them. I wonder how many of them have read the Bill."

"I wonder too if they were not induced to join the organization by its appealing title—'Citizens United For a Fair Housing Law,' without realizing what they were getting into. Who could be so depraved as not to be in favor of Fair Housing? It is, of course, always open to a person to resign from such an organization if he feels he has made a mistake."

"It is about time that this Bill be called by its right name—'A Bill To Destroy Individual Liberty and Create Disunity in the U.S.A.'"

"As I have again and again pointed out, the issue is not whether relief should be afforded the unfortunate people who need it. Of course it should be provided—but by the usual government and charitable channels, and not by the people who own houses."

"The issue, and the only issue, is whether the individual should be deprived of rights which are essential to his freedom, the loss of which would constitute a major step toward the establishment of a fully socialistic state."

"If an owner, regardless of his wishes, must under penalty of fine and imprisonment accept as a purchaser or tenant a person he does not want, how can it be said that such a person is free? This is the one and only issue, and people should not be misled by all the propaganda to the contrary."

3. Advertisement dated March 17, 1959, and published March 22.

"Letters to the editor continue to be published urging the passage of the so-called 'Fair Housing Bill' and denouncing its opponents. These letters persist in ignoring the real issue, which is the right of private property and individual freedom. They continue to harp on the plight of the Negroes and the need of providing better housing conditions for them, which is not the issue at all. They further insist on integration in housing which means forcing people to live together whether they want to or not. If people wish to live together, they should be permitted to do so, but they should not be forced to do so against their will."

"The same old line that 'human rights' are 'more sacred than property rights' is continually stressed, although a moment's thought would reveal the utter absurdity of such a distinction."

"The Housing Bill strikes at the right of private property which is the keystone of our economic system of private enterprise and of our system of constitutional government. Destroy that right and we descend to the degradation and despair of the despotic socialist state."

"Don't think that this is just a figment of my imagination. A very competent judge of such matters in our nation's capital, commenting upon the Rhode Island Bill, recently wrote as follows:

"I had heard that similar legislation was pending in several of the states. It is, of course, completely destructive of the right of property and is a form of nationalization of private property."

"This assault upon the right of property in this country has prevailed in some areas and I predict that it will be quickly followed by other efforts which can but eventuate in a nationalization of property and a dictatorship akin to that which prevails in Soviet Russia."

"The issue involved in the present controversy is far greater than the impact of this legislation upon the people of Rhode Island. As a country-wide movement it constitutes a serious threat to our entire economic system and our system of constitutional government under which the United States has become the richest and most prosperous country in the world with the

widest distribution of wealth among its people that the world has ever known.

"Are we going to scrap this system or preserve it? Those who believe it should be preserved will oppose the Housing Bill, in any form whatsoever, no matter how 'watered down' it may be.

"It is unthinkable that any legislature composed of conscientious, patriotic Americans would ever pass the Housing Bill, whether in its present form or any other form. Even though 'watered down,' it would constitute but a beginning and the pressure would be continually renewed in the future to extend it to the utmost limits."

4. Advertisement dated April 2, 1959, and published April 5.

"An article in the Providence Sunday Journal for March 15 states:

"Rhode Island, which is considering Fair Housing legislation, is only one of 13 states in which similar legislation is pending."

"And the states are named."

"It is significant that in Colorado and Massachusetts, two states in which legislative action has been taken, there was little or no opposition. The reason undoubtedly was that the real purpose and effect of the measure were not understood and that the legislation was slipped through without the people or the members of the legislature being aware of its true character. There is grave danger that this will happen in other states."

5. Advertisement dated April 27, 1959, and published April 29 and May 3.

"MASSACHUSETTS BILL.

"In articles published in the Providence Evening Bulletin on April 22 and 24, the story is told of how the Bill was passed by the Massachusetts Legislature on a voice vote without debate, with no recorded opposition and with little or no public opposition. The strategy used by the proponents, the Massachusetts Committee for Fair Housing Practices Legislation, was similar to that used by its counterpart in Rhode Island. The passage of the Bill in Massachusetts is hailed by the proponents of the Rhode Island Bill as a great victory and as establishing a precedent that should be followed here.

"Of course the Bill passed, and the reason was that the Massachusetts public did not understand its real nature and its consequences. Had they understood, the Bill never would have been enacted.

"The Bulletin articles commend the clever way in which the matter was handled by the proponents. Credit for the success is attributed in large measure to the 'quiet gradualist approach.' By 'quiet' is meant, I suppose, that as little publicity as possible was given to the matter. By 'gradualist approach' is meant the acceptance of a less drastic Bill than desired as a beginning with the expectation of more later. As I have pointed out in earlier articles, this is the usual course of legislation of this sort—a small beginning with further expansion from time to time until the ultimate objective is fully achieved. Such legislation must be stopped at the beginning. It must not be accepted in any form, however harmless it may appear.

"All that is required to prevent the enactment of

such legislation is for the people to understand its nature and effect. What has happened in Massachusetts and earlier in Colorado could not, I am convinced, happen here, for the reason that the public of this State are aware of the evil nature and consequences of the proposed legislation and are overwhelmingly opposed to its passage in any form.

"Incidentally, it should be noted that similar legislation failed to pass in New York this year.

"INTEGRATION IN HOUSING.

"The proponents' continued insistence on forced integration in housing displays a callous disregard for individual freedom. To force people to live together against their wishes is a gross violation of a basic right without which a person cannot be said to be free.

"LOSS OF FREEDOM.

"For some years we have seen the rights of the individual in this country being steadily whittled away and the powers of government increased. And now we have this major assault on the right of private property. Unless this trend is promptly checked, the inevitable outcome will be the abolition of the right of private property, loss of the people's liberty and the establishment of a fully socialized state with its autocratic government.

"What an end this would be to the greatest experiment in individual liberty ever tried by man!

"Seven and a half centuries ago, the Barons at Runnymede wrung from King John the Magna Carta, regarded as the beginning of individual liberty among the English-speaking people. During the centuries following, a continual struggle was waged to free the individual from the domination of the state and make the people, not the government, the master.

"Our Declaration of Independence was a demand for less governmental interference in the lives of the citizens, and the Revolutionary War was fought for the purpose of enforcing this demand.

"But now in the last several decades we have witnessed the amazing and distressing spectacle of a trend back toward autocratic government advocated and promoted by persons who call themselves 'Liberals' and who denounce their opponents as 'Reactionaries.' Had anyone prior to this recent period suggested that King John was a 'Liberal' and that the Barons at Runnymede and those who have since carried on the struggle to limit the power of the state were 'Reactionaries,' he would have been regarded as a fit subject for an insane asylum. How easily are the people fooled by mere titles!

"Socialism has never worked. It will ruin any nation that adopts it.

"Freedom, the antithesis of socialism, has been well defined as 'the right of the individual to work out his destiny, with whatever capacities he possesses, without interference from government beyond that necessary to prevent him from interfering with the freedom of others.' (The Freeman, September, 1954.)

"Americans will not vote themselves out of freedom with their eyes open. But with their eyes half open they can be fooled and hit by bit the right of private ownership can be pulled gently away from them." (Dr. George S. Benson, President of Harding College.)

"THIS MUST NOT BE ALLOWED TO HAPPEN HERE."

6. Advertisement dated May 7, 1959, and published May 10.

"NATURE OF OPPOSITION.

"There appears to be a misunderstanding on the part of some of our citizens as to the nature of the opposition to the so-called 'Fair Housing Bill.' It is not in any sense a matter of emotion that will disappear with the passage of time.

"The opposition is based upon a firm conviction that the real issue is the preservation of individual liberty. This was the issue that prompted the Declaration of Independence. It was the cause for which the Revolutionary War was fought.

"That people should be indignant at an assault upon their freedom should cause no surprise. A burglar who tries to break into a house will be resisted by any red-blooded owner with all the power at his command. Further attempts will be met with like resistance. It is not a matter of emotion, but a matter of self defense.

"MISLEADING TITLE OF HOUSING BILL.

"In these days when there are so many important and complicated issues before the country, it is understandable that persons, misled by the appealing title of a proposal, such as 'Fair Housing,' should endorse it without a full examination of its terms. It is to be hoped, however, that all such persons, when they have become fully aware of the facts, will withdraw their endorsement, as many have already done.

"PROPERTY RIGHTS VERSUS HUMAN RIGHTS.

"The proponents of the Housing Bill still continue to declare that 'human rights' are 'more sacred than property rights,' despite the absurdity of the distinction. Property itself has neither rights nor value, save only as human interests are involved. There are no rights but human rights, and what are spoken of as property rights are only the human rights of individuals to property.

"The ownership of property is the right for which, above all others, the common man has struggled in his slow ascent from serfdom.

"A man without property rights—without the right to the product of his own labor—is not a free man. He can exist only through the generosity or forbearance of others." (Essay by Paul L. Poirot, of the Foundation for Economic Education.)

"PERMANENT ORGANIZATION.

"Many have expressed a desire to form a permanent organization to safeguard individual liberty and to oppose the passage of legislation designed to destroy or restrict that liberty. The Housing Bill in its present or any other form is a measure of this character.

"Such an organization should be formed. It would, I am confident, attract the support of thousands of our citizens who would on all occasions and without regard to political affiliations make the preservation of individual liberty paramount to all other issues.

"It is my intention to submit for consideration a plan for such an organization."

DURING the legislative session a petition opposing passage of the so-called "Fair Housing Bill" in any form whatsoever was circulated, and coupons were attached to newspaper advertisements expressing the individual's opposition to the Bill and his desire to join in the petition against it. By means of the petitions and coupons over 5400 signatures were secured. Mimeographed copies of the petition with the signatures obtained from time to time were sent to the Governor of the State, to the members of the General Assembly, and to certain other individuals. In all, seven batches of signatures were mailed to this list.

Also, an excellent pamphlet containing a list of "Questions and Answers on the so-called 'Fair Housing Bill'" was prepared for The Rhode Island State Association of Real Estate Boards and The Home Builders Association of Rhode Island by John V. Kean, a law partner of mine. This was published as an advertisement during March, and was also widely distributed.

On May 26, 1959, the General Assembly ended its Session without the Bill being reported out of either the Senate or House committee to which it had been referred.

The proponents, however, have publicly stated that they "are more determined than ever" to push for its passage next year.

During the legislative Session the proponents were given two hearings before the House Judiciary Committee.

The opponents were given a hearing before that Committee on February 20. It was an evening hearing, held in the House Chamber, and was attended by more than 500 persons, the largest number ever to attend a legislative committee hearing in the State of Rhode Island. Twenty persons spoke against the measure.

On February 10, the Pawtucket Real Estate Board voted 26-2 to oppose the Bill. Frank A. Martin, Jr., the President, and Charles H. Lawton, Jr., a prominent member, with a number of other associates, became greatly interested, and with John V. Kean played a prominent part in defeating the legislation. One of the highlights of the campaign was a mass meeting at the Tolman High School in Pawtucket on the evening of March 25, arranged by them, which was attended by about 500 persons.

Throughout the controversy very effective work against the Bill was done by Edwin T. Scallon of Providence.

THE proponents of this legislation are well organized, apparently well financed, and determined to secure the enactment of this legislation throughout the country.

An organization called "National Committee Against Discrimination in Housing," located at 35 West 32nd Street, New York City, appears to be taking a leading part in the movement.

The following is quoted from a letter sent out by that organization under date of May 26, 1959, signed by "Eleanor Roosevelt" and "Jackie Robinson":

"Dear Friend:

"Have you heard the good news? Colorado, Massachusetts, Oregon, and Connecticut have just joined New York City and Pittsburgh in passing state laws barring discrimination in private housing. Ten years ago even the most starry-eyed would not have predicted this.

"Today communities across the nation are stirring, neighbors are organizing, articles are appearing in national magazines. There is a coast-to-coast movement to break down the barriers.

"The National Committee Against Discrimination in Housing has for ten years played a key roll in alerting, educating, informing, and stimulating communities over the nation to combat residential segregation.

* * *

"We believe the NCDH program is basic to the whole Civil Rights Challenge."

On the reverse side of this letter appears the following list of the Committee's "Member Organizations":

Amalgamated Clothing Workers of America, AFL-CIO; American Civil Liberties Union; American Council on Human Rights; American Ethical Union; American Friends Service Committee; American Jewish Committee; American Jewish Congress; American Newspaper Guild, AFL-CIO; American Veterans Committee; Americans for Democratic Action; Anti-Defamation League of B'nai B'rith; Congregational Christian Churches, Council of Social Action and Race Relations Department, Board of Home Missions; Cooperative League of the USA; Friendship House;

International Ladies' Garment Workers' Union, AFL-CIO; International Union of Electrical, Radio and Machine Workers, AFL-CIO; Jewish Labor Committee; League for Industrial Democracy; The Methodist Church, Woman's Division of Christian Service; Migration Division, Puerto Rican Department of Labor; National Association for the Advancement of Colored People; National Association of Intergroup Relations Officials; National Council of Negro Women; National Council of Churches of Christ, Race Relations Department; National Urban League; Presbyterian Church, USA, Department of Social Education and Action; United Auto Workers of America, AFL-CIO; United Steel Workers of America, AFL-CIO.

This legislation is also supported by the National Lawyers Guild, as appears from the Spring 1958 Edition of its publication, the Lawyers Guild Review, "Special Issue on Integration in Housing."

AN organization called the "Committee for Individual Liberty" has just been formed in Rhode Island, having as its initial objective "to prevent the passage of any measure prohibiting discrimination because of race, color, religion, or national origin in the sale or renting of housing accommodations or land, or in making loans with respect to such property."

The issue is one of the most important before the country today. It involves no less than the preservation of individual liberty.

This legislation can be defeated if a sufficient effort to inform and arouse the people is promptly made. Otherwise, its passage is inevitable.

Certainly there must be enough people in the various States to provide the leadership and organization necessary to check this movement.

This Council Letter may be quoted in whole or part provided due credit is given to the National Economic Council, Inc., Empire State Building, New York 1, N. Y., and quotation is specified to be from Economic Council Letter 460, August 1, 1959.

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